

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

JENNIFER R. COKER,

Plaintiff,

v.

C. R. BARD, INC., and BARD
PERIPHERAL VASCULAR, INC.,

Defendants.

Civil Action No.
1:13-CV-00515-TWT

**Plaintiff's Motion in Limine and
Memorandum in Support to
Exclude Evidence of Family
Suspecting Poisoning**

Oral Argument Requested

**MEMORANDUM IN SUPPORT OF PLAINTIFF'S MOTION
IN LIMINE TO EXCLUDE EVIDENCE OF
FAMILY SUSPECTING POISONING**

Plaintiff moves in limine for an Order precluding the introduction of evidence or argument concerning the fact that when Ms. Coker suffered a cardiorespiratory arrest, her family suspected her then-husband, Joel Coker, of poisoning her. Any such evidence is inadmissible under Federal Rules of Evidence 401 and 403 because it is irrelevant to issues of causation and damages, and its prejudicial effect substantially outweighs any potential probative value.

The injuries that Ms. Coker has put at issue in this case are serious and directly attributable to the failure of her Recovery filter. **No expert has testified that Ms. Coker's cardiorespiratory arrest was due to poisoning.**

The only reason Bard would want this suspicion to be introduced into evidence would be to confuse the jury, and prejudice them against Ms. Coker. In the absence of expert testimony that, more likely than not within a reasonable degree of medical probability, that her condition was caused by poisoning, Defendants should be precluded from introducing this into evidence.

The family's then-suspicion does not bear on Ms. Coker's purported need for a filter in the first place, whether Bard failed to provide adequate warnings concerning the filter's safety and effectiveness, or the damages that Ms. Coker has suffered as a result of the filter's failure. It is irrelevant under Rule 401 of the Federal Rules of Evidence. Further, even if this evidence were relevant, it is inadmissible under Rule 403 of the Federal Rules of Evidence, because it is likely to mislead the jury, create a confusion of issues, and waste time.

RESPECTFULLY SUBMITTED this 3rd day of May, 2022.

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Certificate of Compliance

In accordance with Local Rule 7.1D, this is to certify that this brief has been prepared with one of the fonts and points approved by the Court in LR 5.1B, i.e., 14 point, Times New Roman font, and that the brief does not contain more than 10 characters per inch of type.

This 3rd day of May, 2022.

/s/ Kimberly W. Grant
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CERTIFICATE OF SERVICE

I hereby certify that on May 3, 2022, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF. I also certify that the foregoing document is being served this day on all counsel of record or *pro se* parties identified on the Service List in the manner specified, either via transmission of Notices of Electronic Filing generated by CM/ECF or in some other authorized manner for those counsel or parties who are not authorized to receive electronically Notices of Electronic Filing.

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